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Environment & Natural Resources Division  
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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

FRIENDS OF ANIMALS,

Plaintiff,

v.

RYAN ZINKE, in his official capacity  
as Secretary of the United States  
Department of Interior; *et al.*,

Defendants.

CASE NO. 1:18-cv-00064-SPW-TJC

**DEFENDANTS' UNOPPOSED  
MOTION TO STAY ALL  
PROCEEDINGS**

Defendants in the above captioned matter (Ryan Zinke, in his official capacity as Secretary of the U.S. Department of the Interior; Greg Sheehan, in his official capacity as Principal Deputy Director of the U.S. Fish and Wildlife Service

(“FWS”); and FWS), respectfully request a stay of all proceedings in the above-captioned matter. In support of this motion, Defendants state the following:

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including Defendants. The Department of Justice does not know when funding will be restored by Congress.

2. Absent an appropriation, the Department of Justice attorneys and employees of Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all proceedings in this matter until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be rescheduled commensurate with the duration of the lapse in appropriations, or 33 days, whichever is shorter. The only current deadlines are for: (1) Defendants’ brief in opposition to Plaintiff’s motion to compel completion of the administrative

record, due January 23, 2019 (33 days after the December 21, 2018, lapse in appropriations); and (2) Plaintiff's reply, due February 7, 2019 (15 days). ECF No. 16.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiff Friends of Animals has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all proceedings in this case until the Department of Justice attorneys are permitted to resume their usual civil litigation functions. Pursuant to Local Rule 7.1(c)(3), a proposed order granting this unopposed motion is attached and will be emailed to Judge Watters in Word format.

DATED: January 8, 2019.

Respectfully submitted,

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Deputy Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources Division  
SETH M. BARSKY, Section Chief  
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/s/ Mele Coleman  
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**CERTIFICATE OF SERVICE**

I certify that on January 8, 2019, the foregoing will be electronically filed with the Court's electronic filing ("ECF") system, which will generate automatic service upon on all counsel of record enrolled to receive such notice.

/s/ Mele Coleman

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